

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
)	
MARK THOMAS JOHNSON)	Examiner: LIANG, REGINA
)	
Serial No.: 09/804,021)	
)	Group Art Unit: 2629
Filed: MARCH 12, 2001)	
)	
For: DISPLAY DEVICE)	

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

Please consider Appellants' reply brief as follows:

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1. STATUS OF CLAIMS

Claims 1, 4-10, 13-16, and 18-20 are currently pending in the present application, and are the claims on appeal.

2. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 4-10, 13-16, and 18-20 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,518,962 to *Kimura* et al. in view of U.S. Patent No. 6,549,179 to *Youngquist* et al.

3. ARGUMENTS

The Appellants respectfully submit that *Kimura* in view of *Youngquist* does not teach or suggest claims 1, 4-10, 13-16, and 18-20 and that the rejection of claims 1, 4-10, 13-16, and 18-20 under 35 USC §103(a) should be reversed. In addition to the arguments presented in the Appellants' Appeal Brief, which the Appellants maintain and reiterate, the Appellants address the Examiner's Answer mailed October 12, 2007, as provided below.

The claim language of independent claims 1, 9, and 15 clearly distinguishes the invention of the Appellants' application from the disclosure of *Youngquist*, which fails to disclose elements "wherein the at least one reference photosensor is shielded from emitted radiation," as recited in independent claim 1; "at least one reference photosensor optically shielded from the emitted radiation for detecting ambient radiation," as recited in independent claim 9; and "at least one reference photosensor arranged for detecting ambient radiation without detecting radiation emitted by the electroluminescent pixels," as recited in independent claim 15.

A. *Youngquist* fails to disclose a position for a photosensor, and so fails to disclose a photosensor shielded from the emitted radiation as claimed.

The Appellants respectfully submit that the Examiner is mistaken in asserting that the sensor is located within the aperture as stated in the Response to Argument section of the Examiner's Answer mailed October 12, 2007. At most, *Youngquist* discloses the location of an aperture 24 for a photosensor, not the location of the photosensor. See Figures 2, 3, and 5; column 4, line 34. *Youngquist* fails to disclose directly or indirectly whether the photosensor is located above, within, or below the aperture in the printed circuit board. The aperture is only shown in the planar view of the printed circuit board in Figures 2 and 3, and *Youngquist* fails to show a photosensor in any figure.

The text of *Youngquist* only mentions the photosensor twice: first, as an ambient light photosensor to control display brightness changes from daylight to night time, and second, as a photosensor used to sense ambient light levels and thus provide feedback control to the

desired brightness level for the display in different ambient light conditions. *See* column 3, lines 58-60; column 4, lines 34-37. This functional requirement can be met without the sensor being located within the aperture and shielded from the emitted radiation. The photosensor can be located above the aperture on the LED side of the PCB and still perform its function. For example, the feedback control signal can be calibrated to account for light from the display. Thus, *Youngquist* fails to disclose a position for a photosensor, and so fails to disclose a photosensor shielded from the emitted radiation, optically shielded from the emitted radiation, and for detecting ambient radiation without detecting radiation emitted by the electroluminescent pixels, as recited in the claim language of the independent claims.

B. *Youngquist* fails to disclose a photosensor shielded from the emitted radiation as claimed.

The Appellants respectfully submit that the Examiner is mistaken in asserting that there is no reflection of light radiation within the PCB 22 as stated in the Response to Argument section of the Examiner's Answer mailed October 12, 2007. At most, *Youngquist* discloses the combination of this anti-reflective coating and the polarizing filter 56 works to provide a remarkable degree of anti-reflection glare for the LED display assembly. *See* column 6, lines 9-12. Although the degree of anti-reflection glare in *Youngquist* may be remarkable, it is not perfect, as admitted in *Youngquist*. Special anti-glare coatings and structures are employed to reduce ambient light reflections. *See* Abstract. Coating in a high vacuum chamber reduces the reflected light from about 8% to less than 1%. *See* column 8, lines 17-19. Even if the photosensor were within the aperture 24 (a point not conceded by the Appellants), some radiation emitted from the printed circuit board 22 would be reflected from the lens/graticule layer 54 and the polarizing filter 56 into the aperture 24 and the photosensor. *See* Figures 2, 3, and 5. Thus, *Youngquist* fails to disclose a photosensor shielded from the emitted radiation, optically shielded from the emitted radiation, and for detecting ambient radiation without detecting radiation emitted by the electroluminescent pixels, as recited in the claim language of the independent claims.

4. SUMMARY

The Appellants respectfully submit that claims 1, 4-10, 13-16, and 18-20 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, reversal of the rejection of claims 1, 4-10, 13-16, and 18-20 under 35 U.S.C. §103(a) is respectfully requested.

Dated: **DECEMBER 7, 2007**

Respectfully submitted,
MARK THOMAS JOHNSON, *et al.*

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